APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/950,005	09/12/2001	Robert W. Baynes JR.	1933.0050001	9238

26111 7590 01/08/2007	EXAMINER
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ART UNIT	PAPER NUMBER
2141	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
Office Action Summary	09/950,005	BAYNES ET AL.
	Examiner	**Art Unit**	
	Kristie Shingles	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>24 October 2006</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1,14-16,18,20-26 and 28-51</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1,14-16,18,20-26 and 28-51</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Per Applicant's Request for Continued Examination:
Claims 1, 14-16, 18, 20-22 and 28-51 have been amended.
Claims 2-13, 17, 19 and 27 have been cancelled.

Claims 1, 14-16, 18, 20-26 and 28-51 are pending.

Continued Examination Under 37 CFR 1.114

I.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection.   Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 10/24/2006 has been entered.

Claim Objections - Withdrawn

II.   **Regarding Claims 16, 18, 21, 30, 33, 36, 39, 42, 45 and 48:** the corrective claim

language has been accepted by the Examiner. The objections of the above claims are therefore

withdrawn.

Claim Rejections - 35 USC § 112

III.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

IV.   **Claims 33, 36, 39, 42, 45 and 48** rejected under 35 U.S.C. 112, second paragraph, as

being indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

Claims 33, 36, 39, 42, 45 and 48 recite the limitation "the specification data" in lines 1-2

of the claim language. There is insufficient antecedent basis for this limitation in the claims.

Correction is required.

Claim Rejections - 35 USC § 102

V.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

VI.   **Claims 1, 14-16, 18, 20-26 and 28-51 are rejected under 35 U.S.C. 102(b) as being unpatentable over *Reed et al* (US 5,862,325).**

a.   **Per claim 1**, *Reed et al* teach a method for delivering information from a first

device to a second device, comprising the steps of:

> (1) identifying a data object to be delivered to the second device (*col.37 lines 35-41, col.136 lines 49-56*);
>
> (2) maintaining state information on behalf of the second device, wherein the state information is data representative of at least one resource of the second device (*col.22 lines 5-14, col.30 lines 49-62, col.92 line 24-col.93 line 29, col.98 lines 35-6, col.141 lines 22-45—provisions for monitoring and maintaining the communications status of a user and maintaining version data for service and communication objects of the consumer devices*);

(3) delivering said data object to the second device in a form of an event, wherein the event is representative of a change in information contained within the data object since a previous event, comprising one or more steps (a)-(c) (*col.13 lines 12-20, col.32 lines 10-27, col.39 line 14-col.40 line 27, col.41 line 63-col.42 line 20, col.42 lines 40-61, col.91 line 3-col.92 line 23, col.98 line 35-col.99 line 30, col.136 lines 49-56, col.144 lines 41-49—provisions for delivering and distributing data object updates and changes as scheduled system events*):

> (a) pushing said event to the second device (*col.12 lines 49-52, col.28 lines 25-37, col.33 lines 20-22, col.33 line 66-col.34 line 4*);

> (b) transferring said event to the second device during a sync operation (*col.12 lines 49-51 and col.91 lines 3-7, col.92 line 24-col.93 line 10*); and

> (c) transferring said event to the second device in response to a request from said second device while said second device is being used to surf a network (*col.12 lines 58-64, col.33 lines 18-20, col.91 line 58-col.92 line 23*); and

(4) processing said event to the second device based at least on the state information to recover the data object in a format suitable to the second device (*col.12 lines 44-46, col.14 lines 33-47, col.15 lines 13-17, col.22 lines 48-64, col.23 line 55-col.24 line 19, col.33 lines 49-66, col.40 line 60-col.41 line 5—provisions for processing event data objects in formats suitable for and interpretable by the consumer device*).

b.   **Per claims 14 and 49 (differ only by statutory class),** *Reed et al* teach a method for delivering information from a first device to a second device, comprising the steps of:

(1) identifying a data object to be delivered to the second device (*col.37 lines 35-41, col.136 lines 49-56*);

(2) maintaining state information on behalf of the second device, wherein the state information is data representative of at least one resource of the second device (*col.22 lines 5-14, col.30 lines 49-62, col.92 line 24-col.93 line 29, col.98 lines 35-6, col.141 lines 22-45—provisions for monitoring and maintaining the communications status of a user and maintaining version data for service and communication objects of the consumer devices*);

(3) delivering said data object to the second device in a form of an event, wherein the event is representative of a change in information contained within the data object since a previous event (*col.13 lines 12-20, col.32 lines 10-27, col.39 line 14-col.40 line 27, col.41 line 63-col.42 line 20, col.42 lines 40-61, col.91 line 3-col.92 line 23, col.98 line 35-col.99 line 30, col.136 lines 49-56, col.144 lines 41-49—provisions for delivering and distributing data object updates and changes as scheduled system events*), comprising the step of pushing said data object to the second device (*col.12 lines 49-52, col.28 lines 25-37, col.33 lines 20-22, col.33 line 66-col.34 line 4—provisions for pushing updated data objects to consumer devices*); and

(4) processing said event to the second device based at least on the state information to recover the data object in a format suitable to the second device (*col.12 lines 44-46, col.14 lines 33-47, col.15 lines 13-17, col.22 lines 48-64, col.23 line 55-col.24 line 19, col.33 lines 49-66, col.40 line 60-col.41 line 5—provisions for processing event data objects in formats suitable for and interpretable by the consumer device*).

c.   **Per claims 16 and 50 (differ only by statutory class),** *Reed et al* teach a method

for delivering information from a first device to a second device, comprising the steps of:

(1) identifying a data object to be delivered to the second device (*col.37 lines 35-41, col.136 lines 49-56*);

(2) delivering said data object, in a form of an event, to the second device (*col.13 lines 12-20, col.32 lines 10-27, col.39 line 14-col.40 line 27, col.41 line 63-col.42 line 20, col.42 lines 40-61, col.91 line 3-col.92 line 23, col.98 line 35-col.99 line 30, col.136 lines 49-56, col.144 lines 41-49—provisions for delivering and distributing data objects as scheduled system events*), comprising the step of transferring said event to the second device during a sync operation (*col.12 lines 49-51, col.91 lines 3-7, col.92 line 24-col.93 line 10*); and

(3) processing said event to the second device based at least on the state information to recover the data object in a format suitable to the second device (*col.12 lines 44-46, col.14 lines 33-47, col.15 lines 13-17, col.22 lines 48-64, col.23 line 55-col.24 line 19, col.33 lines 49-66, col.40 line 60-col.41 line 5—provisions for processing event data objects in formats suitable for and interpretable by the consumer device*);

wherein step (2) further comprises:

(i) accessing providers for information using state information maintained on behalf of said second device, wherein the state information is data representative of at least one resource of the second device (*col.22 lines 5-14, col.30 lines 49-62, col.92 line 24-col.93 line 29, col.98 lines 35-6, col.141 lines 22-45—provisions for monitoring and maintaining the communications status of a user and maintaining version data for service and communication objects of the consumer devices*);

(ii) receiving said information from said providers, wherein said information comprises said data object (*col.37 lines 35-41, col.38 line 35-col.39 line 67, col.136 lines 49-56, col.144 lines 41-49*); and

(iii) sending said information to said second device in a form of the event, wherein the event is representative of a change in information contained within the data object since a previous event (*col.13 lines 12-20, col.32 lines 10-27, col.39 line 14-col.40 line 27, col.41 line 63-col.42 line 20, col.42 lines 40-61, col.91 line 3-col.92 line 23, col.98 line 35-col.99 line 30, col.136 lines 49-56, col.144 lines 41-49—provisions for delivering and distributing data object updates and changes as scheduled system events*).

d.   **Per claims 18 and 50 (differ only by statutory class),** *Reed et al* teach a method for delivering information from a first device to a second device, comprising the steps of:

(1) identifying a data object to be delivered to the second device (*col.37 lines 35-41, col.136 lines 49-56*);

᠇ (2) in a form of an event, to the second device (*col.13 lines 12-20, col.32 lines 10-27, col.39 line 14-col.40 line 27, col.41 line 63-col.42 line 20, col.42 lines 40-61, col.91 line 3-col.92 line 23, col.98 line 35-col.99 line 30, col.136 lines 49-56, col.144 lines 41-49—provisions for delivering and distributing data object as scheduled system events*), comprising the step of transferring said event to the second device in response to a request from said second device while said second device is being used to surf a network (*col.12 lines 58-64, col.33 lines 18-20, col.91 line 58-col.92 line 23*); and

(3) processing said event to the second device based at least on the state information to recover the data object in a format suitable to the second device (*col.12 lines 44-46, col.14 lines 33-47, col.15 lines 13-17, col.22 lines 48-64, col.23 line 55-col.24 line 19, col.33 lines 49-66, col.40 line 60-col.41 line 5—provisions for processing event data objects in formats suitable for and interpretable by the consumer device*);

wherein step (2) further comprises:

(i) accessing providers for information using state information maintained on behalf of said second device, wherein the state information is data representative of at least one resource of the second device (*col.22 lines 5-14, col.30 lines 49-62, col.92 line 24-col.93 line 29, col.98 lines 35-6, col.141 lines 22-45—provisions for monitoring and maintaining the communications status of a user and maintaining version data for service and communication objects of the consumer devices*);

(ii) receiving said information from said providers, wherein said information comprises said data object (*col.37 lines 35-41, col.38 line 35-col.39 line 67, col.136 lines 49-56, col.144 lines 41-49*);

(iii) sending said information to said second device in a form of the event, wherein the event is representative of a change in information contained within the data object since a previous event (*col.13 lines 12-20, col.32 lines 10-27, col.39 line 14-col.40 line 27, col.41 line 63-col.42 line 20, col.42 lines 40-61, col.91 line 3-col.92 line 23, col.98 line 35-col.99 line 30, col.136 lines 49-56, col.144 lines 41-49—provisions for delivering and distributing data object updates and changes as scheduled system events*).

e.   **Per claim 21,** *Reed et al* teach a method for delivering information from a first device to a second device, comprising the steps of:

(1) generating one or more modification events representative of a modification made to a data object (*col.13 lines 12-20, col.32 lines 10-27, col.37 lines 35-41 col.39 line 14-col.40 line 27, col.41 line 63-col.42 line 20, col.42 lines 40-61, col.91 line 3-col.92 line 23, col.98 line 35-col.99 line 30, col.136 lines 49-56, col.144 lines 41-49—provisions for delivering and distributing data object updates and changes as scheduled system events*);

(2) maintaining state information on behalf of the device, wherein the state information is specification data of the device wherein the state information is data representative of at least one resource of the second device (*col.22 lines 5-14, col.30 lines 49-62, col.92 line 24-col.93 line 29, col.98 lines 35-6, col.141 lines 22-45—provisions for monitoring and maintaining the communications status of a user and maintaining version data for service and communication objects of the consumer devices*); and

(3) forwarding said modification events to a second device identified as a recipient of said modification events, wherein said second device processes said modification events based on said at least the state information (*col.12 lines 44-46, col.14 lines 33-47, col.15 lines 13-17, col.22 lines 48-64, col.23 line 55- col.24 line 19, col.33 lines 49-66, col.40 line 60-col.41 line 5—provisions for processing event data objects in formats suitable for and interpretable by the consumer device*).

f.   **Per claim 30,** *Reed et al* teach a computer system for delivering information to a device, comprising:

- a storage configured to store received state information related to the device, wherein the state information is data representative of at least one resource of the device (*col.22 lines 5-14, col.30 lines 49-62, col.92 line 24-col.93 line 29, col.98 lines 35-6, col.141 lines 22-45—provisions for monitoring and maintaining the communications status of a user and maintaining version data for service and communication objects of the consumer devices*);

- a processor configured to identify a data object to be delivered to the device (*col.37 lines 35-41, col.136 lines 49-56*);

- and a communications interface configured to deliver said data object in a form of an event, wherein the event is representative of a change in information contained within the data object since a previous event, to the device (*col.13 lines 12-20, col.32 lines 10-27, col.39 line 14-col.40 line 27, col.41 line 63-col.42 line 20, col.42 lines 40-61, col.91 line 3-col.92 line 23, col.98 line 35- col.99 line 30, col.136 lines 49-56, col.144 lines 41-49—provisions for delivering and distributing data object updates and changes as scheduled system events*), comprising: means for pushing said event (*col.12 lines 49-52, col.28 lines 25-37, col.33 lines 20-22, col.33 line 66-col.34 line 4—provisions for pushing updated data objects to consumer devices*), means for transferring said event to the device during a sync operation (*col.12 lines 49-51, col.91 lines 3-7, col.92 line 24-col.93 line 10*), and means for transferring said event to the device in response to a request from said device while said device is being used to surf a network (*col.12 lines 58-64, col.33 lines 18-20, col.91 line 58-col.92 line 23*); and

- means for processing said event on the device based on at least the state information to recover the data object (*col.12 lines 44-46, col.14 lines 33-47, col.15 lines 13-17, col.22 lines 48-64, col.23 line 55-col.24 line 19, col.33 lines 49- 66, col.40 line 60-col.41 line 5—provisions for processing event data objects in formats suitable for and interpretable by the consumer device*).

g.   **Per claim 15,** *Reed et al* teach the method of claim 14, wherein step (2) comprises the steps of: (i) creating a modification event representative of said data; and (ii) sending said modification event to said second device (*col.13 lines 12-20, col.32 lines 10-27, col.39 line 14-col.40 line 27, col.41 line 63-col.42 line 20, col.42 lines 40-61, col.91 line 3-col.92 line 23, col.98 line 35-col.99 line 30, col.136 lines 49-56, col.144 lines 41-49*).

h.   **Per claim 20,** *Reed et al* teach the method of claim 18, wherein step (2) comprises the steps of: (i) identifying one or more modification events representative of said data object, wherein said data object is associated with said request from said second device while said second device is being used to surf a network; and (ii) sending said modification events to said device (*col.12 lines 58-64, col.26 lines 53-56, col.33 lines 18-20, col.39 lines 4-14, col.91 line 58-col.92 line 23, col.136 lines 49-56, col.144 lines 41-49*).

i.   **Per claim 22,** *Reed et al* teach the method of claim 21, wherein said data object is stored at said second device, and wherein said second device processes said modification events so as to update said data object (*col.37 line 63-col.38 line 12, col.39 lines 4-36, col.92 lines 14-59*).

j.   **Per claim 23,** *Reed et al* teach the method of claim 21, wherein step (2) is performed during a push operation (*col.12 lines 49-52, col.17 lines 39-42, col.28 lines 25-37, col.33 lines 20-22, col.33 line 66-col.34 line 4*).

k.   **Per claim 24,** *Reed et al* teach the method of claim 21, wherein step (2) is performed during a sync operation (*col.12 lines 49-51, col.91 lines 3-7 and 27-57, col.92 line 24-col.93 line 10*).

l.   **Per claim 25,** *Reed et al* teach the method of claim 21, wherein step (2) is performed during a surf operation (*col.12 lines 58-64, col.26 line 53-col.27 line 9*).

m.   **Per claim 26,** *Reed et al* teach the method of claim 21, wherein step (2) is performed during at least one of a push operation, a sync operation, and a surf operation (*col.12 lines 49-51*).

n.   **Per claim 28,** *Reed et al* teach the method of claim 1, wherein step (3) comprises: using the maintained state information to determine whether said data object has been previously delivered to the second device (*col.15 line 63-col.16 line 14, col.24 line 53-col.25 line 52, col.30 lines 9-62, col.137 lines 1-22, col.137 line 34-col.138 line 66, col.139 line 2-col.140 line 66, col.141 lines 22-45, col.144 lines 41-49*).

o.   **Claim 29** is substantially equivalent to claim 28 and is therefore rejected under the same basis.

p.   **Per claim 31,** *Reed et al* teach the method of claim 1, wherein the second device is a data processing device (*col.12 lines 1-16, col.13 lines 6-7, col.6 lines 55-64, col.137 lines 4-11, col.141 lines 28-31 and 36-39*).

q.   **Claims 34, 37, 40, 43 and 46** are substantially equivalent to claim 31 and are therefore rejected under the same basis.

r.   **Per claim 32,** *Reed et al* teach the method of claim 1, wherein the device is a data communications device (*col.12 lines 1-16, col.13 lines 6-7, col.6 lines 55-64, col.137 lines 4-11, col.141 lines 28-31 and 36-39*).

s.   **Claims 35, 38, 41, 44 and 47** are substantially equivalent to claim 32 and are therefore rejected under the same basis.

t.   **Per claim 33,** *Reed et al* teach the method of claim 1, wherein the specification

data includes at least one of a dynamic memory specifications, a high memory specification, an

available storage space, a screen size, a user profile, a color depth, an application on the second

device, a button on the second device, a data marker, a preference, a font, a sync type, a

supported data type, a supported mime type, or a connection/network profile (*col.12 lines 44-46,*

col.14 lines 33-47, col.15 lines 13-17, col.22 lines 48-64, col.23 line 55-col.24 line 19, col.33 lines 49-66,

col.40 line 60-col.41 line 5).

u.   **Claims 36, 39, 42, 45 and 48** are substantially equivalent to claim 33 and are

therefore rejected under the same basis.

Conclusion

VII.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure: Haverstock et al (7,117,271), Mathur et al (6,704,807), Glass (6,519,653), Rowe et al

(6,466,941), Oesterer et al (6,415,298).

VIII.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The

examiner can normally be reached on Monday-Friday 8:30-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristie Shingles
Examiner
Art Unit 2141

kds

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SUPERVISORY PATENT EXAMINER